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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1990

Addendum

MONGOLIA */

[29 November 1990]

THIRD PERIODIC REPORT OF THE MONGOLIAN PEOPLE'S REPUBLIC SUBMITTED UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

1. This report is submitted in accordance with article 40 of the International Covenant on Civil and Political Rights and the decision of the Human Rights Committee on the periodic submission of reports. Account has been taken in its compilation of the general guidelines concerning the form and content of periodic reports. This report supplements the second periodic report of Mongolia, which was considered by the Human Rights Committee at its 657th to 660th meetings, on 31 March and 1 April 1986 (CCPR/C/37/Add.2, CCPR/C/SR.657 to 660).

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*/ For the initial report submitted by the Government of the Mongolian People's Republic, see CCPR/C/1/Add.38; for its consideration by the Committee, see CCPR/C/SR.197, SR.198 and SR.202 and the Official Records of the General Assembly, Thirty-fifth session, Supplement No. 40 (A/35/40), paras. 88-118. For the second periodic report of the Mongolian People's Republic, see CCPR/C/37/Add.2 and Corr.1-2; for its consideration by the Committee, see CCPR/C/SR.657 to 660 and the Official Records of the General Assembly, Forty-first session, Supplement No. 40, (A/41/40), paras. 226-259.

PART ONE

2. During the reporting period Mongolia has undergone a process of renovation with the aim of creating a highly efficient economy, raising living standards for the population and constructing a humane democratic society. A matter of current concern is the establishment and strengthening of a State ruled in all its aspects by law: upholding the absolute supremacy of the law, ensuring rigorous compliance by all State bodies, officials and citizens, and establishing the responsibility not only of citizens to the State but also of the State to the citizenry.

3. The Mongolian Constitution, Penal Code, Labour Code and Pensions Act have been amended. New legislation passed includes the law on State enterprises (1988), the Co-operatives Act (1989), the Mineral Resources Act (1988), the Atmospheric Air Protection Act (1989), an act on the procedure for citizens to appeal to the courts against unlawful actions by State organs and officials infringing their rights (1990), an act on the procedure for compensating citizens for damage caused by illegal actions on the part of police and judicial investigative authorities, the Procurator's Office or the courts (1990), an act governing the election of people's deputies to the People's Khural (1990), the Foreign Investment Act (1990), and the Political Parties Act (1990); new versions of the Constitution and the Property Act are in preparation.

4. A re-evaluation of the history of the State is under way. A Commission of the Politburo of the Central Committee of the Mongolian People's Revolutionary Party (MPRP) on the rehabilitation of persons unlawfully repressed in the 1930s and 1940s has been set up; so too has a commission to investigate the abuses sanctioned by Y. Tsedenbal and his associates.

5. Alongside the highest respresentative body of State power, the Great People's Khural, there has been established a standing supreme legislative body: the Little Khural. A post of President of the Mongolian People's Republic has been established. A multi-party system has grown up and been constitutionally enshrined. The first general elections under the multi-party system have taken place.

6. The notion of the primacy of international law is beginning to win wide recognition and be put into practice. Among other things, Mongolia has withdrawn the reservations it made with regard to the competence of the International Court of Justice upon adhering to a number of international conventions. Work is under way to bring the international agreements to which Mongolia is a party and Mongolian domestic legislation as closely as possible into line. During the reporting period Mongolia adhered to the International Convention against Apartheid in Sports (1986), the Vienna Convention on the Law of Treaties (1988), the Vienna Convention on Consular Relations (1989), and the Convention on the Rights of the Child (1990).

Right to self-determination

(Article 1)

7. It is Mongolia's consistent policy to support the struggle of peoples for national liberation and the exercise of the right to self-determination.

Equality of rights and guarantee of legal protection

(Article 2)

8. As mentioned above, a new draft of the Mongolian Constitution is in preparation, which will grant citizens rights without any distinction whatsoever on the grounds of race, colour of skin, sex, language, religion, political or other convictions, national or social origin, property status, birth or other circumstances, and offering strengthened guarantees and safeguards of these rights.

9. Equal rights and legal protection for aliens permanently resident in Mongolia and subject to Mongolian jurisdiction are granted under agreements on the provision of legal assistance. Such agreements were concluded during the reporting period with the USSR and with the Democratic People's Republic of Korea. Those agreements require the parties to provide each other with assistance and co-operation in civil, family and penal matters and to accord citizens of the other State the same legal protection enjoyed by their own citizens.

Equal rights of men and women

(Article 3)

10. Article 76 of the current Constitution of Mongolia states that citizens of the Mongolian People's Republic enjoy equal rights irrespective of sex, race, nationality, religious faith, or social origin and position. Mongolian legislation makes special provision for the political equality of women. Women in Mongolia are granted equal rights with men in all areas of economic, State, cultural, social and political life. The exercise of such rights is ensured by according women the same conditions of work and wages, leisure, social insurance, and education as men, by State protection for the interests of mothers and children, State assistance for mothers of large families, paid leave of absence from work before and after confinement, and the expansion of the network of maternity hospitals, nurseries and kindergartens. Impinging on women's equality in any manner whatsoever is forbidden by law (art. 84 of the Constitution).

11. Hindering women in the exercise of their equal rights is an indictable offence under article 142 of the Mongolian Penal Code. Gross violations of women's equality and hindering women's participation in State, social or cultural activities, if accompanied by violence or the threat of violence, are punishable by up to 3 years' imprisonment or up to 18 months' corrective labour, or can render the culprit liable to social influence measures. Previously, persons refusing to hire a woman on grounds of her pregnancy were liable to prosecution. Under the new Mongolian Penal Code (art. 104) refusing to hire a mother with a child in arms is also a penal offence.

12. Decree No. 198 of the Presidium of the Great People's Khural, dated 23 December 1989, supplemented the Mongolian Pensions Act: (1) Women with children and women who adopt children under 3 years of age and rear them up to the age of 6 are entitled, if they have worked for not less than 15 years, to retire at 50; (2) Workers and employees with less than 3 years to retirement and having accumulated the length of service stipulated for

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retirement by the Mongolian Pensions Act are entitled to retire if they have grandchildren under 3 years of age and there is no one else to look after them. Similar changes and additions to the Act on pensions for the members of agricultural associations were made by Decree No. 199 of the Presidium of the Great People's Khural, dated 23 December 1989.

13. Decree No. 202 of the Presidium of the Great People's Khural, dated 23 December 1989, calls for article 159 of the Mongolian Labour Code, granting mothers leave to look after children, to be supplemented. Mothers who have used up their statutory perinatal and ordinary leave are entitled to leave from work to look after a child aged up to two years, or three years in the event of twins, while keeping their jobs and receiving benefits. Leave from work may also be granted to men and adoptive parents. Under the supplement to the Labour Code, the Agricultural Association is required to grant women belonging to agricultural associations or other co-operatives leave from work at their personal request to look after children, and must establish the procedure for granting such leave. Decision No. 309 of the Mongolian Council of Ministers, dated 26 December 1989, establishes that mothers who have been granted leave to look after a child (and men or adoptive parents with children under three) shall as of 1 October 1990 receive a monthly benefit of 120 tughriks per child aged under one, and as of 1 October 1992 a benefit of 120 tughriks until the child reaches the age of two. The parents of twins will receive a monthly benefit of 150 tughriks until the children reach three. The Mongolian Agricultural Association is recommended to develop a similar procedure for its members.

Right to life

(Article 6)

14. The right to life is upheld by the Mongolian Constitution, Penal Code and other national legislation. Except by court sentence for the particularly serious offences laid down in the Mongolian Penal Code, no one may be arbitrarily deprived of life. The new version of the Mongolian Penal Code adopted in 1986 establishes the death penalty for particularly serious State and criminal offences such as treason, terrorism, premeditated homicide in aggravating circumstances, banditism, or an attempt on the life of a member of the militia or a national trooper. Current penal legislation establishes the death penalty as an alternative to imprisonment for varying terms, not as the primary but as a secondary option. Article 21 of the Mongolian Penal Code provides that the death penalty shall not be applied to persons aged under 18, to women or to men aged 60 and over. Any person sentenced to death is entitled to appeal for clemency or a lesser sentence in accordance with articles 317 to 323 of the Mongolian Code of Criminal Procedure. The judicial bodies concerned review applications and requests from convicts in accordance with articles 324 to 331 of the Code of Criminal Procedure.

15. Under article 20 k of the Mongolian Constitution, the Great Peoples' Khural can grant amnesty. Under article 34 k of the Presidium of the Great Peoples' Khural can grant clemency in response to personal applications by individual convicts. In so doing it takes account of the personality of the convict, the nature of the offence, the applicant's previous criminal record and whether he has previously benefited from an amnesty, clemency or release

on parole, the convict's attitude to work before the offence, his age, family status and any other circumstances deserving attention. If it decides to grant clemency, the Presidium of the Great People's Khural substitutes a prison sentence of 15 to 20 years for the death penalty in the case of persons found guilty under article 21, paragraph 2, of the Mongolian Penal Code. Such a move is intended to uphold human rights and reduce the use of exceptional measures of punishment, in the form of the death penalty, in connection with the current legal policy of more humane punishment.

16. Articles 34, 48, 49 and 54 of the Mongolian Prosecutions Act indicate the judicial bodies with which appeals may be launched. These include aimak and city courts of second instance, the Supreme Court and the Military College of the Supreme Court.

Prohibition of torture or cruel, inhuman or degrading treatment or punishment

(Article 7)

17. Article 19, paragraph 2, of the new version of the Mongolian Penal Code states that the purpose of punishment is not to cause physical suffering or offend human dignity. The establishment of criminal liability for such offences as bodily injury (arts. 90 to 98 of the Penal Code), beating (art. 99), torture (art. 100), threatened murder or grievous bodily harm (art. 101), inducement to suicide (art. 102), failure to assist an invalid (art. 108), failure to rescue from danger (art. 109), malicious refusal to provide assistance (art. 116), defamation (art. 117), insult (art. 118), and the forced extraction of false testimony from a witness or victim (art. 208) afford thorough legal protection against the use of torture or cruel, inhuman or degrading treatment.

18. Article 193, paragraph 2, of the Mongolian Penal Code provides for loss of rights, dismissal and up to 10 years' imprisonment as punishment for cruel treatment. Article 207 provides for up to three years' imprisonment for forced extraction of testimony by threats or other unlawful means. If violence or insulting treatment is used in extracting testimony, imprisonment for between two and eight years is called for.

19. No further changes have been made in Mongolian legislation since the submission of the second periodic report.

Prohibition of slavery, slave trade and forced labour

20. Slavery, the slave trade, and institutions and practices akin to slavery do not exist in Mongolia.

Right to liberty and security of person

(Article 9)

21. A great deal of work is now being done to improve the legislation in the field of human rights protection, and plans are being made to introduce new legal provisions which will strengthen and guarantee the right to liberty and

security of person in every possible way. On 21 March 1990, the eighth session of the eleventh convocation of the Great People's Khural passed an act on the procedure for citizens to appeal to the courts against unlawful actions by State organs and officials infringing their rights. A draft version of the act had been put forward for general public discussion.

22. In addition, an act on the procedure for compensating citizens for damage caused by illegal actions on the part of police and judicial investigative authorities, the Procurator's Office or the courts was adopted by the eighth session of the eleventh convocation of the Great People's Khural in 1990. Under it a citizen is entitled to full compensation for any damage he suffers as a result of wrongful conviction, wrongful prosecution or wrongful detention in custody as a measure of pre-trial restraint and to the restoration of any rights with regard to work, pensions, housing and other matters that may have been violated in this connection.

23. Great efforts are being made to ensure that justice is done in the case of persons who have suffered from repressive activities in the past. The Commission on the Rehabilitation of Persons Subjected to Unlawful Repression has reported that over a period of 30 to 40 years, there were 30,806 victims of abusive and repressive measures and that 14.1 per cent of the innocent persons who suffered have been rehabilitated. The Commission is continuing its work. A special Commission to investigate the abuses sanctioned by Y. Tsedenbal and his associates has been set up to look into the role and involvement of each of the former leaders of the Mongolian People's Republic and the Mongolian People's Revolutionary Party (MPRP) in the unseemly events that occurred during the period from the beginning of the 1950s to mid-1984, when a system of bureaucratic command was established in the country and dissidents were persecuted.

24. The Presidium of the Great People's Khural, the Mongolian Council of Ministers and the Presidium of the Central Committee of the MPRP have decided that practical assistance should be given to people who suffered repressive treatment during the years of lawlessness and stagnation. In particular, under the present legislation individuals are awarded personal pensions related to the positions they occupied before being subjected to repressive treatment. A lump-sum grant will be paid to the families of those who died, and action is planned to return housing taken from those who suffered such unlawful treatment and to improve their living conditions. It has been decided that appropriate corrections should be made in the work records of persons dismissed from their posts for "anti-party activities" in the years of lawlessness.

Right of persons deprived of their liberty to be treated with humanity and with respect for their dignity

(Article 10)

25. The new version of the Mongolian Penal Code retains the provisions mentioned in Mongolia's second periodic report. A fuller picture of Mongolian legislation relating to this article can be obtained by referring to articles of the Mongolian Corrective-Labour code (approved by decree No. 403 of the Presidium of the Great People's Khural, dated 16 November 1981) which were omitted from the second periodic report.

26. Article 3 states that the only basis on which a person may be required to serve a criminal sentence of made the subject of corrective-labour measures is a decision by a court which has become legally effective. Under article 6 of the Corrective-Labour Code, the main means of reform and rehabilitation are the régime under which the sentence is served, socially useful labour, political education, general education and vocational training. Provision is made for differentiated treatment of convicted persons in custody.

27. In educational-labour and corrective-labour colonies steps are taken to give the inmates secondary education and vocational qualifications. Inmates without vocational qualifications are taught a trade in the establishment's training workshops subsidiary units, which give instruction in 16 subjects and award a vocational qualification certificate showing the category, class and level achieved.

28. The main emphasis in educational work is on educating and re-educating inmates to display an honest attitude to work, observe the laws on taking care of property, attain a higher level of awareness and culture and develop useful initiative (Corrective-Labour Code, art. 41). To achieve these ends, steps are taken to make convicted persons familiar with the law and the generally accepted rules of conduct and morality, and various other kinds of instruction are also organized.

29. In the case of pregnant women sentenced to deprivation of liberty, the sentence is deferred for a period of 45 days before and one year after childbirth. Weapons may not be used against women or minors trying to escape.

30. In accordance with article 42 of the Act on Procuratorial Supervision, the Procurator of the Mongolian People's Republic and his subordinates exercise strict supervision to ensure that the law is observed in places of confinement. In particular, they seek to establish in cases of detention whether or not the detention has been authorized by the procurator, in the cases of deprivation of liberty whether or not there is a court order that has become legally effective, and in general whether Mongolian legislation on prisoners' rights is respected in places of confinement.

31. Inmates are allowed to purchase foodstuffs and basic necessities (though not for cash) to have visits, to receive parcels and transfers of money, to engage in correspondence and to transfer money to close relations. Under article 23 of the Corrective-Labour Code, they are entitled to purchase foodstuffs and basic necessities with money earned at their place of confinement; those unfit to work, pregnant women and minors can also use money sent to them.

32. After serving half their sentences, inmates of corrective-labour colonies are allowed to receive up to three parcels a year. Inmates of educational-labour colonies are allowed to receive up to six parcels a year. Inmates undergoing in-patient treatment in the colony's infirmary may receive parcels in accordance with the type of régime ordered for them by the court (Corrective-Labour Code, art. 27). Persons sentenced to deprivation of liberty are allowed to send and receive money transfers. Money sent to them is credited to their personal accounts (Corrective-Labour Code, art. 28).

33. Inmates are allowed to receive an unlimited number of letters (Corrective-Labour Code, art. 29). In exceptional cases, those who are definitely on the

road to reform and have served not less than a third of their sentence and those not entitled under the law to release on parole who have served not less than two thirds of their sentences may be allowed to move about outside the colony without an escort if that is necessary for the kind of work they do (Corrective-Labour Code, art. 30). The right to move about outside the colony unescorted or unaccompanied is granted to the convicted person by decision of the governor of the colony in agreement with the supervisory board or the minors' board. Inmates entitled to move about unescorted or unaccompanied are housed in separate living quarters.

34. The administration of the corrective-labour institution ensures that inmates engage in socially useful work suited to their capacity and qualifications (Corrective-Labour Code, art. 35). People serving sentences in corrective-labour colonies and prisons have a working day of eight hours with one day of rest a week. Under the system established by Mongolian labour legislation, inmates are released from their work on days off and holidays. Inmates' work is organized in conformity with the regulations on workers' protection and safety laid down in the labour legislation (Corrective-Labour Code, art. 36). Persons deprived of their liberty are paid for the amount and quality of work they do in accordance with the scales, rates, quotas and job prices applicable in the economy as a whole. Part of their earnings is deducted to defray the cost of maintaining them at their corrective-labour institution (Corrective-Labour Code, art. 37).

35. At corrective-labour institutions, independent inmates' organizations are set up which operate under the supervision of the administration of the institution (Corrective-Labour Code, art. 43). At corrective-labour colonies and educational-labour colonies, inmates' councils are elected from among persons distinguished by their exemplary conduct and conscientious attitude to work and instruction; the elections are held at general meetings of the inmates and approved by the governor of the colony. These councils report on their work at meetings of the inmates. Decisions taken by them come into force after review and approval by the governor of the colony (Corrective-Labour Code, art. 44).

36. Persons serving sentences in places of confinement are provided with living conditions and amenities in accordance with sanitation and hygiene standards. In corrective-labour colonies the amount of living space per inmate must be not less than 2 m^2 and in educational-labour colonies and prisons not less than 2.5 m^2. Inmates are given an individual berth and bedding. They are provided with clothing and footwear suitable for the season and climatic conditions. They are given a diet that will maintain normal vital functions. The dietary standards vary in accordance with the régime of the corrective-labour institution, the nature of the work the inmates do and their attitude to their work.

37. Places of confinement are provided with the necessary medical facilities. General health and anti-epidemiological measures are organized in such places in accordance with Mongolia's public health legislation. In each corrective-labour colony there is a special medical section which inmates attend on a special rota after undergoing a prophylactic medical examination. In conjunction with the administration of corrective-labour institutions, the

Ministry of Health organizes special medical colonies for inmates suffering from tuberculosis and other infectious diseases, with medically prescribed diets and appropriate medical care and attention.

38. Corrective-labour colonies are divided into those with general, strict and special régimes. General-régime colonies are intended for men sentenced for the first time to deprivation of liberty for non-serious wilful offences and for offences committed through negligence, men sentenced for the first time to deprivation of liberty for a period of not more than three years for serious offences, and all women sentenced to deprivation of liberty except for those convicted of especially dangerous crimes against the State or identified as especially dangerous recidivists (Corrective-Labour Code, art. 60). Strict-régime colonies are intended for men sentenced to deprivation of liberty for especially dangerous crimes against the State, those sentenced for the first time to deprivation of liberty for a period of more than three years for serious offences, those who have previously served a sentence of deprivation of liberty and women identified as especially dangerous recidivists (Corrective-Labour Code, art. 61). Special-régime colonies take men sentenced to deprivation of liberty who have been identified as especially dangerous recidivists and those for whom the death penalty has been commuted to deprivation of liberty under an amnesty or act of clemency (Corrective-Labour Code, art. 62).

39. Educational-labour colonies are divided into those with a general régime and those with a strict régime (Corrective-Labour Code, art. 70). Those with a general régime are intended for male minors sentenced for the first time to deprivation of liberty for non-serious offences. Female minors sentenced to deprivation of liberty serve their sentences in an educational-labour colony under the general régime, in a special sector of a general-régime women's colony (Corrective-Labour Code, art. 71). In exceptional cases, by a joint decision of the administration of the place of work and the militia, persons on suspended sentences, probation or parole who have displayed exemplary conduct and an honest attitude to work may be allowed to travel beyond the limits of the administrative district on official business, on leave, or for other good reasons (Corrective-Labour Code, art. 76).

40. Convicted persons suffering from chronic psychological or other serious diseases that militate against their continuing to serve their sentences may be released from them by the court (Corrective-Labour Code, art. 102). Persons released from places of confinement who need assistance and juveniles up to the age of 16 are accompanied to their places of residence by a member of the staff of the corrective labour institution (Corrective-Labour Code, art. 103).

41. In Mongolia's system of corrective-labour institutions, there is only one educational-labour colony for minors and one corrective-labour colony for women for the whole country.

42. The Corrective-Labour Code adopted in 1981 is coming under public criticism, and future action is planned to make it more humane.

43. Under Decision No. 95 of the Mongolian Council of Ministers, dated 26 April 1985, the militia are required to help with the job placement of persons who have served their sentences. Further measures are planned to

improve the Mongolian penitentiary system by making it more humane and bringing it into line with the commitments entered into by Mongolia under international conventions and agreements on human rights.

Imprisonment on the ground of inability to fulfil a contractual obligation

(Article 11)

44. Under Mongolian legislation there is no deprivation of liberty on the ground of inability to fulfil a contractual obligation.

Right to liberty of movement and freedom to enter or leave any country

(Article 12)

45. During the period under review measures have been taken to simplify procedures for leaving the country. In particular, national instead of foreign-travel passports, can now be used on journeys to countries with which Mongolia has agreements on travel without visas. For the time being, citizens travelling to all other countries, soldiers and emigrants will use foreign-travel passports. Citizens can obtain permission to travel to other countries under the new procedure from aimak and town militia offices. Such matters were formerly dealt with only by the Militia General Administration. A bill to govern Mongolian citizens leaving and foreigners entering the country is nearing completion; the provisions of the international human rights agreements to which Mongolia is a party are being taken into account. Among other things, the bill states, for the first time in the country's legal practice, that Mongolian citizens are entitled to leave any country and return to their homeland.

46. Statistics show that in the first 8 months of 1990 alone, 13,200 citizens made private visits to other countries, compared with 2,100 journeys in 1986 and 3,900 in 1987. On average, 5 per cent of visa applications are declined each year for reasons of national security, to protect the rights, interests health and dignity of society and its citizens, to protect State secrets, or in the interests of the citizen himself.

47. Similarly, regulations restricting the movement within the country of foreign diplomats and representatives of international organizations have been abolished. Previously, foreign diplomats had to obtain permission from the Mongolian authorities a week in advance before travelling 40 km beyond the capital. Similar measures are being considered to cover foreign journalists accredited to Ulan Bator.

Expulsion of aliens from the Mongolian People's Republic

(Article 13)

48. Article 29 of the Act on the Rights and Duties of Aliens in Mongolia lays down that an alien may be expelled from the Republic on the following grounds:

(a) If his activities are contrary to the interests of national security or public order;

(b) If his expulsion is necessary to protect public health and morals or the rights and legitimate interests of Mongolian citizens and other persons;

(c) If he had grossly violated the law on the rights and duties of aliens in Mongolia or customs, foreign currency or other national legislation. The decision to deport is taken by the competent Mongolian authorities. Aliens are obliged to leave the country within the time-limit specified in the deportation order. The procurator may order the forcible expulsion of those failing to comply. In such cases, the procurator may order them to be detained until their expulsion.

49. The decision to curtail the stay of aliens who have contravened the Act on the Rights and Duties of Aliens and the Instructions issued pursuant to the Act is taken by the Ministry of Foreign Affairs and the Ministry of Public Security. The decision to deport is taken by the Ministry of Public Security (arts. 28-29 of the Instructions issued pursuant to the Act on the Rights and Duties of Aliens).

Equality of all citizens before the courts and tribunals

(Article 14)

50. The Mongolian Constitution is currently under review. The country's legislation is being improved. It is intended that Mongolian legislation should to a greater degree reflect the provisions of article 14.

Prohibition of criminal legislation with retroactive effect

(Article 15)

51. The articles of the new Penal Code prohibiting legislation with retroactive effect are one sign of the humanitarian principles underlying Mongolia's penal policy. Article 4 of the Code, on the periods to which criminal law applies, states the following: a law which provides that an act is not punishable or which mitigates the punishment has retroactive force, i.e. it also applied to acts committed before its promulgation; a law making an act a punishable offence or increasing the punishment does not have retroactive force.

Recognition as a person before the law

(Article 16)

52. Article 7 of the Civil Code states that every citizen may personally own property and livestock in accordance with the law, is entitled to enjoy the use of housing and other property, choose his place of residence and type of occupation, may hold author's rights to discoveries, inventions and proposals for rationalization and copyright to scholarly, literary and artistic works, may inherit and bequeath property and may also have other property and non-property rights.

53. Under article 8 of the Civil Code, all citizens of the Mongolian People's Republic are deemed to have legal personality, defined as the capacity to have civil rights and duties. Legal personality begins at birth and ceases at death.

54. Article 9 of the Civil Code lays down that legal capacity, i.e. the capacity of a citizen to acquire civil rights and undertake civil obligations through his own actions, comes fully into effect at 18, the age of majority. People who have entered into marriage in legally authorized circumstances before the age of 18 acquire full legal capacity from the time of marriage. Transactions on behalf of minors (persons under the age of 15) are performed by their legal representatives - parents, adoptive parents or guardians. Minors themselves may engage only in small-scale everyday transactions which take effect immediately and pose no danger to the minor (art. 10 of the Civil Code).

55. Article 11 of the Civil Code allows minors between the ages of 15 to 18 limited legal capacity. They may independently engage in small-scale everyday transactions which take effect immediately and are not detrimental to the minor. Minors with independent earnings have the right to dispose of the money earned. Minors over the age of 15 may undertake other transactions only with the agreement of their parents, adoptive parents or guardians. They may also be held responsible for any injury they may inflict on other people. If the minor's earnings or property are insufficient to cover compensation for the damage, the remainder of the compensation must be paid by the parents or guardians. Besides cases where they were unable to prevent injury, the parents or guardians are relieved of this obligation when the culprit reaches the age of majority or if the minor acquires sufficient earnings or property to cover the cost of compensation. Sixteen-year-old members of agricultural associations or non-co-operative pastoral (Arat) enterprises may possess, use and dispose of the property of the agricultural association and may own non-co-operative Arat enterprises.

56. Article 13 of the Civil Code states that transactions designed to limit legal personality or capacity are invalid. An individual's legal personality and capacity cannot be denied or limited except as provided by law.

Freedom from arbitrary interference with privacy, inviolability of the home and privacy of correspondence

(Article 17)

57. The Mongolian Constitution and Civil Code are currently being reviewed with the intention of strengthening the law against arbitrary and illegal interference in a person's private and family life, arbitrary and illegal enchroachments on the inviolability of his home and privacy of correspondence, and unlawful infringement of his honour and reputation.

58. The revised version of the Penal Code still contains the provisions set forth in the second periodic report. The inviolability of a citizen's personal life is also guaranteed by the Code of Criminal Procedure.

Right to freedom of thought, conscience and religion

(Article 18)

59. In recent years, religion in the Republic has undergone a resurgence. A bill is being prepared on the right to the freedom of religion; this will supersede the 1934 Act on Separation of Religion from the State which contains

provisions limiting the freedom of worship. Several pieces of legislation have been revoked, including Council of Ministers decision No. 226 of 8 June 1986 infringing believers' rights. Religious services have been revived in more than 30 Buddhist monasteries, including Amarbayasgalan, Delger Choir, Sundui Khuvilgaan, Shankh, Lamyn Gegeen and others. A decision has been taken to hand over the famous Erdenezuu monastery to believers. The tradition of awarding Buddhist theological titles (religious ranks), suspended in 1937, is now being revived. It has also been decided to open a Muslim mosque in the country's north-western province, home of the Kazakh and other Muslim peoples. Thus, links have been forged with Muslim centres in Egypt, Iran, Turkey and the Soviet towns of Samarkand and Bukhara. A public organization, the Union of Believers, has been created and is in operation.

60. Article 15 of the Act on the Rights and Duties of Aliens in Mongolia, dated 16 April 1986, states that aliens in Mongolia, like Mongolian citizens, enjoy freedom of conscience. Incitement to religious hatred and enmity is prohibited.

Right to hold and freely to exercise opinions without interference

(Article 19)

61. The revised Penal Code will contain new provisions absent from Mongolia's second periodic report to the Committee. Article 143 makes the persecution of a citizen for expressing criticism a punishable offence. Persecuting a citizen for criticism or for a duly expressed opinion, statement or complaint, or wilfully infringing a citizen's legally protected interests renders an official liable to exclusion from a fixed post for up to three years, withdrawal of the right to engage in specific activities or a fine up to 1,000 tughriks. If such acts significantly harm the citizen's rights or legally protected interests, the official may be deprived of liberty for up to two years, sentenced to corrective labour for up to 18 months or fined up to 1,500 tughriks. The Act on the procedure for citizens to appeal to the courts against unlawful actions by State organs and officials infringing their rights has played a major role in upholding this right.

62. Intellectual pluralism is now firmly established in Mongolia, and opinions are freely expounded in the media. The past year alone has seen the emergence of more than 40 new newspapers and magazines belonging to various parties and social movements.

Prohibition of propaganda for war and racial discrimination

(Article 20)

63. There have been no changes or additions to this legislation in the period under review. By Decree No. 125 of the Presidium of the Great People's Khural, dated 21 May 1985, Mongolia adhered to the international convention on the peaceful use of radio broadcasts. The text of the Convention was published in the collection of laws, decrees and decisions of the Mongolian People's Republic No. 5 for the month of May 1985.

Right of peaceful assembly

(Article 21)

64. The emergence of new parties and public organizations has led to a sharp increase in the number of meetings and demonstrations taking place as one of the means of political struggle. In April 1990, the Presidium of the Great People's Khural issued a decree on the procedure for conducting meetings and demonstrations in public places in Mongolia's towns and villages. Under this decree, the organizers of a meeting or demonstration must inform the Executive Committee of the Khural of People's Deputies beforehand of the aim, location and duration of the event, the number of participants and the technical support, and supply information on the organizer or organization responsible.

65. The Executive Committee of the Khural of People's Deputies has the right to postpone the event for a maximum of 10 days, or to prohibit it if:

(a) The aim of the event is contrary to the spirit of the Constitution, friendship between peoples or the unity of the Mongolian people;

(b) The event may pose a threat to the security of the State of its citizens, and result in the breakdown of public order and the functioning of State and public institutions;

(c) A natural disaster occurs affecting the whole country or the administrative district in question.

The Executive Committee must announce its decision within five days of receiving notification.

66. If any person, organization or party disagrees with the decision, they have the right to appeal within three days to the Presidium of the Khural of People's Deputies. The decision of the Presidium is final. The decree also rules that State and public institutions and their officials do not have the right to prevent authorized meetings and demonstrations from taking place.

Right to freedom of association

(Article 22)

67. During the period under review the right to freedom of association has been consolidated both in legislation and in reality. In 1990, the country's first Political Parties Act was passed, providing a mechanism to regulate the activity of all political forces and other legal aspects of a multi-party system. Among other things, the Act covers the creation, registration and disbandment of parties, their financial situation and sources of revenue.

68. In accordance with the Act, The Collegium of The Supreme Court has registered six political parties: the Mongolian People's Revolutionary Party, the Mongolian Democratic Party, the Mongolian Social Democratic Party, the Mongolian National Progress Party, the Party of Free Labour and the Green Party.

69. In addition to the political parties, more than 100 highly diverse unions and associations - trade union, environmental, social, etc. - have been formed.

Protection of the family by society and the State

(Article 23)

70. The main points made in Mongolia's second periodic report remain valid. The Citizenship Act of 27 February 1987 contains the following provisions:

(1) Marriage by a Mongolian citizen to a person of another nationality or a stateless person, or the dissolution of such a marriage, entails no changes in the citizenship of the spouses. The acquisition or loss of Mongolian citizenship by either spouse entails no change in the citizenship of the other spouse;

(2) Residence abroad by a Mongolian citizen does not entail loss of Mongolian citizenship.

71. Decree No. 162 of the Presidium of the Great Peoples' Khural, dated 26 December 1988, made the following additions to articles 27, 91, 96 and 102 of the Mongolian Family Code. Article 27 was supplemented by a provision permitting the dissolution of a marriage within a month of receipt of notification to this effect from persons who have agreed to dissolve their marriage and have no children aged under 18. Articles 91, 96 and 102 are concerned with registration and stamp duty.

72. In 1989 an introductions service was set up at the Wedding Palace; it arranges activities to promote stable families and also provides assistance for people who for any reason have proved unable to establish a family.

Protection of children by society and the State

(Article 24)

73. New legislation on this subject was passed during the reporting period. A joint decision by the MPRP Central Committee and the Mongolian Council of Ministers, No. 16 of 25 June 1985, calls for an increase in boarding-school construction to provide enough capacity for herdsmen's children by 1995, and makes this the responsibility of the State Planning Commission (now the State Planning and Economic Committee), the Ministry of Education and the Executive Committees of aimak and urban Khurals of People's Deputies. The decision calls for the construction between 1986 and 1990 of general secondary schools with places for at least 25,000 students, and crèches and kindergartens for at least 5,000 infants, to further increase the availability of crèche, nursery school and general secondary school places in rural areas. It states that, in order to provide ample crèche and kindergarten facilities for herdsmen's children, kindergartens and crèches must be built using the resources of the State and co-operative organizations; seasonal and home-based kindergartens and crèches must be set up during busy farming periods. The decision calls for more physical and technical facilities and for qualified staff to be employed at sporting complexes so that physical education and sport can be arranged for herdsmen's children and young people.

74. Decision No. 95 of the Mongolian Council of Ministers, dated 26 April 1985, directs the Mongolian militia, in conjunction with State, co-operative and public organizations, to organize efforts to prevent crime and misconduct by minors and deal with the problem of neglected children. The decision provides for the militia to track down persons refusing to pay child support.

75. Joint Decision No. 28 of the MPRP Central Committee and the Mongolian Council of Ministers, dated 17 December 1986, calls for improvements in the system of secondary education, links between school and productive life and thorough scientific and technical schooling for children. By 1993, all children aged seven and over are supposed to be attending school. Class size is not to exceed 35 pupils. At the end of the school year, tenth-grade pupils spend 12 days gaining work and professional experience.

76. Since the academic year 1988/1989, general secondary schooling has comprised 11 grades: primary school is grades 1 to 4, "incomplete" secondary schooling is grades 1 to 9 and full secondary schooling is grades 1 to 11.

77. Decision No. 421 of the Mongolian Council of Ministers, dated 22 December 1986, calls for action in regard to pre-school organizations, directing that the eighth five-year economic development plan should include the construction of new crèches and kindergartens with places for 19,400 children, and that kindergartens and crèches should be added to the construction plans of large enterprises. The decision authorizes the Executive Committees of aimak and urban Khurals of People's Deputies and the Ministry of Education to reflect in their yearly plans the establishment of crèches, kindergartens and seasonal kindergartens using resources from enterprises and economic organizations. Kindergartens and crèches at major enterprises and economic organizations operate 12 hours a day, and the decision accordingly provides for their staff to work in shifts.

78. Decision No. 6 of the Mongolian Council of Ministers, dated 21 January 1987, lays down the following measures: (1) Women employed in State, co-operative and public organizations who give birth to twins are to be granted unpaid leave from work until the children reach the age of one; (2) monthly maintenance of 150 tughriks is payable for twins until the age of one; (3) enterprises and institutions where mothers of twins (triplets, quadruplets) are employed must pay a lump-sum benefit of 300 tughriks for each child.

79. A Work Training Centre for schoolchildren belonging to the Pioneers was established by decision No. 216 of the Mongolian Council of Ministers, dated 1 September 1988. Branches of the centre are being set up in the Ulan Bator, Darkhan and Erdenet districts, and in individual aimaks.

80. Infant and child nutrition receives a great deal of attention. Among other things, the Mongolian Council of Ministers has passed a decision establishing a child nutrition enterprise, which is scheduled to come into operation at the end of 1990.

81. The Mongolian Citizenship Act of 27 February 1987 contains the following provisions relating to children:

(a) A child both of whose parents were at the moment of his/her birth citizens of the Mongolian People's Republic is a Mongolian citizen, regardless of whether he/she was born in or outside Mongolian territory (article 10);

(b) A child one of whose parents was a citizen of the Mongolian People's Republic at the time of his/her birth is a Mongolian citizen, regardless of whether he/she was born in or outside Mongolian territory (article 11);

(c) A child born in Mongolian territory of stateless persons permanently resident in Mongolia is a Mongolian citizen (article 12);

(d) Any child in Mongolian territory both of whose parents are unknown is a Mongolian citizen (article 13);

(e) Children under 16 whose parents have taken Mongolian citizenship become Mongolian citizens (article 19);

(f) If one parent becomes a Mongolian citizen and the other remains an alien, a child under 16 may acquire Mongolian citizenship upon application by the parent who has taken Mongolian citizenship. If one parent becomes a Mongolian citizen and the other remains stateless, a child under 16 becomes a Mongolian citizen (article 20);

(g) If both parents cease to be Mongolian citizens, a child under 16 shall be permitted to cease to be a Mongolian citizen (article 21). If one parent ceases to be a Mongolian citizen and the other retains Mongolian citizenship, a child under 16 retains Mongolian citizenship (article 22);

(h) An alien or stateless child adopted by a Mongolian citizen becomes a Mongolian citizen. An alien or stateless child adopted by spouses one of whom is a Mongolian citizen becomes a Mongolian citizen (article 23);

(i) A child who is a Mongolian citizen and is adopted by aliens, or by spouses one of whom is a Mongolian citizen while the other is an alien, retains Mongolian citizenship. Upon application by the adoptive parents, however, the child may be permitted to cease to be a Mongolian citizen. A child who is a Mongolian citizen and is adopted by stateless persons, or by spouses one of whom is a Mongolian citizen while the other is stateless, retains Mongolian citizenship (article 24);

(j) Changes in the citizenship of children aged between 16 and 18 in the event of a change in their parents' citizenship or in the event of adoption may be made only with the written consent of the child (article 25).

82. The Mongolian Pioneer Organization has been reorganized into an independent organization to defend the interests of children.

83. Mongolia signed the Convention on the Rights of the Child in 1989, and ratified it in May 1990. Efforts accordingly have been and are being made to bring domestic legislation into line with the provisions of the Convention, and make children and adults generally aware of its spirit and letter.

Right to take part in the conduct of public affairs

(Article 25)

84. The ninth session of the eleventh convocation of the Great People's Khural, which took place in May 1990, passed the Constitutional Reform Act. The Act introduces presidential power in Mongolia and establishes a standing supreme legislative body, the Little Khural, alongside the highest representative body of State power, the Great People's Khural. The Act defines and delimits the role and powers of the President and Khurals (the full text of the Act is appended).

85. The eighth session of the eleventh convocation of the Great People's Khural, which took place in March 1990, passed an Act on the election of deputies to People's Khurals. Although the Act had been thrown open for public discussion, it was amended after adoption at the suggestion of a number of political parties and public organizations. The Act states that Mongolian citizens who have reached the age of 18 are entitled, regardless of their social origins and status, colour of skin, nationality, sex, language, education, religion, occupation or property status, to vote for and be elected as deputies to the People's Khurals of the Mongolian People's Republic. Elections are by secret ballot in general, equal and direct elections.

86. The new Elections Act has a number of distinctive features associated with the democratization of society and the introduction of a multi-party system. For example, it prohibits the election to the Great People's Khural of members of the Government or the Supreme Court, and the election of representatives of executive organs to local Khurals. Under the new Act, Mongolian citizens are for the first time entitled to put their own names forward for election to the organs of people's power. When there are three or more candidates for election from a single electoral district, a preliminary selection of two opposing candidates is made by secret ballot in the electoral wards; this is considered authoritative when not less than two thirds of all the voters in the district take part (the full text of the Act is appended).

87. Under the new Elections Act, preliminary balloting was held on 22 July this year; over 630,000 people (91.5 per cent of the electorate) took part. The 799 candidates for election to the Great People's Khural left after the balloting included 720 members of the intelligentsia, 51 herdsmen and 18 labourers. They included 101 representatives of the opposition (including 68 representing the Mongolian Democratic Party and the Mongolian Democratic Union, and 13 representing the National Progress Party and the New Progressive Union).

88. Elections to the People's Khurals took place on 29 July. 97.9 per cent of the electorate took part. Elections to the Great People's Khural were held to be invalid in 33 electoral wards out of a total of 430. Second ballots were held in those wards in accordance with the Elections Act. The Great People's Khural has now accepted the credentials of 423 deputies. Of them, 357 (84.6 per cent) belong to the Mongolian People's Revolutionary Party, 16 (3.8 per cent) to the Mongolian Democratic Party, 6 (1.4 per cent) to the Mongolian National Progress Party, and 4 (1 per cent) to the Mongolian Social Democratic Party; 48 belong to no party. Deputies include 9 herdsmen, 6 labourers, 188 white-collar workers, and 92 members of the intelligentsia.

In terms of age and nationality, 28 of the deputies are aged under 30, 176 are aged between 31 and 45, and 218 are over 46; there are 333 Khalkha, 15 Kazakhs, 15 Buryats, 10 Dargang, 15 Dorvod, 14 Bayad, 7 Zakhchins, 3 Oold, 2 Torguud and 1 Barga. There are 9 women and 1 lama.

89. As elections to the People's Khurals took place, votes in support of the different parties were also counted. In accordance with the Constitutional Reform Act, seats in the Little Khural are distributed among the parties according to the votes they receive. Results of the count show that 61.74 per cent of voters opted for the Mongolian People's Revolutionary Party, 24.33 per cent for the Mongolian Democratic Party, 6 per cent for the Mongolian National Progress Party and 5 per cent for the Mongolian Social Democratic Party; 1 per cent voted for the Mongolian Party of Free Labour and 1 per cent for the Mongolian Green Party.

90. These first elections held on a multi-party basis also differed from previous elections in that some 30 observers from 8 countries (the United States, Britain, the USSR, Japan, India, the Republic of Korea, Hungary and Poland) and numerous foreign journalists were able to visit various electoral wards and follow the course of events. Although there were isolated shortcomings of various kinds, their general opinion was that the Elections Act had been observed and the elections had been democratic.

91. The first session of the twelfth convocation of the Great People's Khural took place in Ulan Bator from 3 to 11 September. The session dealt with a number of important points relating to the enforcement of the new laws. The first President and the Vice-President of Mongolia were elected, the Little Khural was established and a new Prime Minister was appointed.

Protection against discrimination

(Article 26)

92. During the reporting period there were no substantive changes in Mongolian legislation on this matter.

93. The preamble to the Citizenship Act of 27 February 1987 establishes the equality of Mongolian citizens in all areas of economic, political and cultural life.

94. Article 3 of the Act on the Rights and Duties of Aliens in Mongolia of 16 April 1987 states that aliens in Mongolia are equal before the law regardless of their race and nationality, sex, religion, social origins and status, education, language and residence.

95. It follows from the thrust of the Act on the procedure for citizens to appeal to the courts against unlawful actions by officials infringing their rights that an appeal can be lodged against refusal to enter into a labour contract owing to direct or indirect restrictions or advantages in employment based on sex, race, nationality or attitude to religion. This provision serves as a safeguard for the equality of all before the law and the prohibition of discrimination in any form, as proclaimed in the Mongolian Constitution and other laws.

Rights of national minorities

(Article 27)

96. The main points made in the second periodic report remain valid. During the reporting period no new legislation relating to article 27 of the Covenant was adopted.

97. Mongolian academic institutions are devoting considerable attention to studying the cultural heritage of the nationalities and peoples of the country. For instance, the Mongolian Academy of Sciences Languages Institute and Cultural Institute have established a unit to study the culture, art, literature and language of the Kazakhs in the Bayan-Ulgiy aimak.

98. By decision of the Presidium of the Great People's Khural, an Islamic mosque has been used for religious services since 1990 in the town of Ulgiy (Bayan-Ulgiy aimak). Public organizations and national, cultural and religious movements have been established in the aimak. Areas where a high proportion of the population is Kazakh have schools where instruction is given in Kazakh, a national theatre and a folklore ensemble, their own newspapers and their own radio programmes.